UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/SR.671
5 June 2001

ENGLISH
Original: FRENCH

COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-sixth session

SUMMARY RECORD OF THE 671st MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 9 January 2001, at 10 a.m.

Chairperson: Ms. OUEDRAOGO

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES

Initial report of Latvia

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.01-40123 (E) 270401 050601

The meeting was called to order at 10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4)

Initial report of Latvia [CRC/C/11/Add.22; CRC/C/Q/LAT/1 (list of issues); written replies of Latvia (document without a symbol distributed during the meeting in English only); CRC/C/LAT/1 (country analysis)]

1. At the invitation of the Chairperson, Mr. Kārkliņš, Ms. Ielīte, Ms. Maļinovska, Mr. Sakss, Mr. Vasiljevskis, Ms. Čabe, Ms. Podziņa, Ms. Ližbovska and Mr. Jansons (Latvia) took places at the Committee table.

2. Mr. KĀRKLIŅŠ (Latvia) said that the initial report, which should have been submitted in 1994, when Latvia was in the very early stages of the legislative reform undertaken against a background of profound economic and political transformations, had been drafted with the participation of public institutions, municipalities, non-governmental organizations (NGOs) and also children themselves. The report described the situation as it was in 1998. Following the re-establishment of Latvia's sovereignty in 1991, after 50 years of illegal Soviet rule, one of the first decisions taken by Parliament had been to accede to the Convention on the Rights of the Child, thus illustrating the importance that Latvia attached to the welfare of children. The parliamentary Sub-Commission for the Protection of Children's Rights and the inter-ministerial Commission for the Protection of Children's Rights had been established in 1994, then the Children's Rights Protection Centre had been established in 1995 under the auspices of the Ministry of Education and Science. The municipal courts responsible for the custody and guardianship of children had come into operation in 1997. In 1998, Parliament had adopted the law on the protection of the rights of the child which defined the specific rights of children and how they should be protected.

3. In 1999, the Government had adopted the programme to improve the situation of children and a children's forum had been established at the school, municipal and national levels. Lastly, the Government has initiated the internal procedure for acceding to the Optional Protocols on Involvement of Children in Armed Conflict and the Sale of Children, Child Prostitution and Child Pornography, respectively, which should be concluded in the course of 2001.

4. Non-governmental organizations (NGOs) were playing an increasingly active role in defining measures to protect the rights of the child. They included, the Latvian Children's Fund, Save the Children-Latvia, the Centre against Child Abuse, the Educational Centre for the Family and School and the NGO network for street children.

5. Unfortunately, the needs were far greater than the possibilities, particularly since Latvia had undergone difficult and, at times, painful economic and social transformations over the past ten years. Much more needed to be and could be done in different fields but social development was largely dependent on economic development.

6. Ms. TIGERSTEDT-TÄHTELÄ observed with satisfaction that the written replies of the State party reached the Committee promptly and gave a good overview of national legislation on the rights of the child. However, it would have been preferable if the State party had not merely enumerated the many legislative and administrative measures adopted since the ratification of the Convention, but had indicated exactly how it had implemented them and the obstacles it had encountered. Furthermore, the Committee did not have translated texts of the numerous laws mentioned in the report and was therefore unable to evaluate their scope. Consequently, it still had relatively little information on the real situation of children on the ground in Latvia and had to refer to information provided by other conventional bodies and national organizations. The extremely active role played by NGOs in monitoring the implementation of the Convention was to be welcomed, but it was unfortunate that the report contained no information on the way in which the State itself was raising public awareness of the Convention, whereas that was one of the fundamental goals of the instrument.

7. Since the State party had ratified several of the conventions of the Council of Europe, she asked whether it had enacted a law on both national and intercountry adoption. As the Children's Rights Protection Centre had a very extensive mandate, she would like to know what its priorities were and how it established them. How was coordination ensured both within the Centre and with the different ministries and was it the ministries which made proposals to the Centre or the contrary?

8. Lastly, it would be interesting to know how the budget was established for the Centre and, in general, for the sector related to children, and how the State party met the obligation set out in article 4 of the Convention to take all necessary steps, to the extent of the available resources, to permit the exercise of economic, social and cultural rights. In that connection, she asked whether the municipalities had the right to impose taxes and what was being done to increase the tax revenue, because Latvia was known for having one of the lowest income taxes in the region and because, in poor countries, valued added tax (VAT) was an insufficient source of revenue.

9. Mr. FULCI said that he would like to know what the delegation thought of the statement by Save the Children-Latvia that many of the laws adopted since the ratification of the Convention in 1992 were not fully in conformity with the obligations arising from it. He wondered whether it could provide concrete examples of cases in which the provisions of the Convention had been invoked before the courts. Since previous Latvian Governments had decreased public expenditure for children and the current Government had not asked for assistance from any of the international aid programmes for the former Communist bloc States, it would be useful to have some exact figures on the current budget.

10. Observing that Save the Children-Latvia had published the text of the Convention in three versions for three different age groups of children, and also in an annotated version for those who worked with children, he asked what the Government had itself done to disseminate the instrument.

11. Mr. DOEK asked why the Commission for the Protection of Children's Rights had been reorganized in 1998, whether its statutes had been modified on that occasion and whether the Children's Rights Protection Centre was its executive body. Were the inspectors for the protection of children's rights, mentioned in the written replies, attached to the Centre? What was the extent of the independence of the regional centres mentioned in the initial report and to which central body were they attached? What was the precise role of the Division of Children and Family within the Department of Social Aid and were its spheres of activity completely distinct from those of the Children's Rights Protection Centre? A draft law aimed at creating a post of children's ombudsman had been rejected on the grounds that the National Human Rights Office was to monitor the situation of children. In actual fact, however, it appeared that the Centre was performing that task, although it did not have the required independence of the Government, which the Committee had so often insisted upon.

12. Regarding the implementation of article 4 of the Convention, he had noted that the percentage of the State budget devoted to education was low in relation to that of the budget of the municipalities whereas, in the area of health care, the situation was reversed. Did that mean that education came under the municipal authorities while health services were centralized? If the municipalities were responsible for education, what criteria governed the State's budgetary allocations? Lastly, he would like the Latvian delegation to indicate the percentages of gross national product (GNP) devoted to education and health services respectively.

13. Ms. KARP expressed great concern at the fact that 85 per cent of Latvian children lived below the poverty line, which was an evident obstacle to the implementation of the Convention, and emphasized that concrete measures should thus be adopted urgently, accompanied by the required human and financial resources. She was surprised that the Children's Rights Protection Centre, which came under the Ministry of Education and Science, should be responsible for monitoring the activities of other ministries. Did the members of the Centre include representatives of the Ministries of Justice and the Interior? What were the principal topics of the annual report that the Centre had to submit to Parliament?

14. Regarding rehabilitation programmes for children who had been victims of sexual exploitation, she asked whether the adoption of Regulation 208 of the Cabinet of Ministers and Order 409 of the Ministry of Welfare had been accompanied by the allocation of the budgetary resources needed for their application.

15. She would like to know whether the Latvian authorities were thinking of reforming the whole system of statistical data collection in order to overcome the problems encountered, which ranged from a total absence of data in some areas to ignorance of the indicators existing in others. Lastly, how did the State exercise its responsibility to protect children's health when a child decided to follow a medical treatment without having obtained the consent of its parents?

16. Ms. RILANTONO asked whether there was a mechanism that allowed NGOs to play an active role in both the formulation and execution of children's programmes within the Commission for the Protection of Children's Rights or the Children's Rights Protection Centre. In view of the sizeable GNP of Latvia, as compared with that of developing countries, she

was astonished to see that public expenditure on health and education represented less than 20 per cent of the State budget and wondered whether the authorities intended to increase social expenditure.

17. The CHAIRPERSON asked whether the Children's Rights Protection Centre, responsible for coordinating the work of the national and municipal institutions, was also responsible for elaborating programmes and defining priorities at the level of each municipality. How were the activities of the working groups in charge of reviewing the guarantees that existed in the area of the protection of the child coordinated?

18. Ms. MOKHUANE said she would like to know whether Latvia intended to ratify International Labour Organization (ILO) Conventions 138 and 182 on the minimum age for admission to employment and the worst forms of child labour, respectively, and also the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption. How did the Latvian Government plan to eliminate the regional disparities that prevented all the country's children from enjoying the same rights? In its opening statement, the delegation had deplored the ineffectiveness of certain structures and, in that regard, the Committee would appreciate details on the financial and human resources of the various ministries. What was the exact role of the Ministry of Social Welfare?

19. Mr. KĀRKLIŅŠ (Latvia) said that the Children's Rights Protection Centre was one of a group of organizations supervised and partly financed by the ministries but enjoying some independence in the exercise of its responsibilities. With regard to the economic situation, following the break up of the Soviet Union, Latvia's GNP had decreased by 50 per cent during the four years following its accession to independence but the economy had since been restructured and the GNP had been growing by between 5 and 6 per cent per annum.

20. As a tool available to the Government to promote sustainable economic growth, the tax system needed to be improved; tax pressure (in particular, corporate tax, income tax and VAT) was established in terms of the economic and industrial development objectives. Each year, the Ministry of Finance established the budgets of the various ministries in the light of the priorities that had been defined for the year in question - the priorities for 2001 were defence and education. The budgetary resources were then redistributed to the municipalities, under the control of the Ministry for Regional Cooperation, according to a complex system, which again took into account the priorities of public policy.

21. There were indeed some marked regional disparities in Latvia; 1 million of the country's 2.4 million inhabitants lived in the region of Riga, which had become a major economic, commercial and industrial pole over the last 10 years. Aware of the need to restore the balance, the Government was carrying out a regional development policy with financial support from the European Union under the PHARE programme.

22. The education and health budgets represented 6 per cent and 4 per cent respectively of GNP. When the benefits paid out under the headings of social security and pensions were included, the social sector budget amounted to 20 per cent of GNP. The percentage of elderly people in Latvia was high and the cost of pensions was such that the Government could not devote as much resources as necessary to other sectors.

23. There was still much to be done to combat poverty and the gap between rich and poor was widening. A statistical study had shown that 20 per cent of Latvians were wealthy and 20 per cent destitute, while the rest of the population had incomes that enabled them to live decently. The Government was aware of the extent of the problem and was currently working on a programme to combat poverty that would establish the broad outlines for its action in that area; the programme should be adopted during the first half of 2001.

24. Ms. MAĻINOVSKA (Latvia) said that, in cases of conflict between an international agreement, such as the Convention on the Rights of the Child, and domestic legislation, the international agreement prevailed. International agreements entered into force from the moment of their ratification and it was not necessary to pass a law to make them effective. Latvia was a party to the European Convention on the Adoption of Children and the Convention concerning the Powers of Authorities and the Law applicable in respect of the Protection of Infants. Latvia was in the process of ratifying a number of international agreements which it had already signed: the European Convention on the Exercise of Children's Rights, the European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children, the European Convention on the Legal Status of Children Born out of Wedlock, the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, and the Hague Convention on the Civil Aspects of International Child Abduction. Once those instruments had been ratified, Latvia would be party to the main international conventions on the rights of the child.

25. Ms. IELĪTE (Latvia) explained that the Children's Rights Protection Centre was a public body that had been created to allow children to express their opinions and report any violation of their rights, among other matters. Since it had been restructured in 1998, the Centre was composed of a legal department responsible for harmonizing the existing legislation, a department responsible for monitoring social assistance, and an information and education department. The director was nominated by the Ministry of Education and Science and ratified by the Cabinet of Ministers. Children could report any violations of which they were victim to the members of the staff of the Centre, who counselled them and explained to them their rights and the provisions of the relevant domestic legislation and the Convention on the Rights of the Child, and informed the office of the public prosecutor, if appropriate. When urgent social assistance was required, the child was taken into the care of specialists from the department responsible for monitoring social assistance or by NGOs. In the framework of their monitoring functions, the Centre's staff members regularly inspected schools, boarding schools, orphanages, and crisis centres, and took immediate action if violations of the rights of the child were observed. In order to ensure maximum protection, the Centre also took into consideration information on children provided by other persons: neighbours, relatives, teachers or school directors.

26. Since 1999, a special questionnaire on children had been attached to the national statistical questionnaire which was distributed to all communes. The Centre was currently able to publish an annual national report on the following aspects of the situation of children: education, cultural and leisure activities, health, work, social assistance, violence against children and juvenile delinquency. The report was addressed to Parliament and to the Ministers, to NGOs and to local communities. Since it had been restructured, the Centre had to submit two

reports to Parliament each year. Cooperation with the various local authorities and NGOs was decisive for raising public awareness on matters relating to the rights of the child; the Centre had therefore distributed the Convention on the Rights of the Child widely, even before its reorganization, and it appeared on the Web sites of its many partners. Moreover, the text was systematically reproduced in the documentation distributed at seminars and congresses for social workers, teachers and school directors.

27. In 1999, the Ministry of Education and Science had organized a national week on children's rights, in collaboration with the National Committee for the United Nations Children's Fund (UNICEF), local communities and partner organizations. In 2000, another event had been organized: the children's forum, at which children had discussed the implementation of the Convention and subjects ranging from health, to education, social assistance and recreational activities. The youngest children had taken part in a drawing competition while the adolescents had attended meetings with the administrative staff of their schools and were able to meet local politicians to discuss the budgets allocated to children. The local officials then made proposals to the children based on their concerns.

28. The Centre collaborated closely with NGOs and met about 30 of them once a month to examine questions raised by children or by the NGOs themselves. It arranged for experts and representatives of the different ministries to participate and explain the policies they were planning to implement, so that the NGOs could work more effectively in their respective spheres of competence. Lastly, the Centre was responsible for directing the work of the inter-ministerial Commission for the Protection of Children's Rights and its most important task was to formulate recommendations to individuals and companies, local authorities and the central Government.

29. Mr. SAKSS (Latvia) said that, in 1999, the total budget for education represented 7.3 per cent of GNP, which was reasonable in terms of OECD statistics. According to the most recent research conducted by international agencies, the quality of education was slightly below average; a great deal still remained to be done. About three-quarters of the education budget was administered by the local authorities and was used to cover the salaries of teachers and technical and administrative staff, and also the operating expenses of the educational establishments. The local authorities had considerable autonomy to distribute the resources between the different establishments as they saw fit, to ensure that they operated as effectively as possible.

30. Ms. ČABE (Latvia) said that public expenditure on health represented 18.3 per cent of GNP in 1999, as compared to 12.5 per cent in 1992. The financing of the compulsory health insurance was ensured by a central public body that concluded agreements with the regional sickness funds in order to ensure the reimbursement of essential medical care. Those who wished could subscribe to private health insurance, so as to be protected against risks that were not covered by the compulsory insurance.

31. The law on medical care provided that a patient, his or her parents or legal representative could freely choose his or her doctor and also the establishment where he or she wished to be treated. Under article 23 of the law, any patient could refuse to submit to an examination or

receive treatment if he or she signed a release form. In that case, the doctor had to explain the consequences of the refusal to the individual concerned, his or her parents or legal representative.

32. When a person's life was in danger and it was not possible to obtain his or her consent or that of his or her family or legal representative, the doctor was authorized to provide him or her with the necessary care. A draft law on health protection, which was currently under consideration, would guarantee access to health care to all, particularly those who were unable to defend their rights and protect their own interests. In any case, a child's opinion was taken into account, with due regard for his or her age and maturity.

33. Ms. MAĻINOVSKA (Latvia) said that, following the 1993 Vienna World Conference on Human Rights, and under a national programme for the protection and promotion of human rights drawn up in cooperation with the United Nations, Latvia had been one of the first countries to establish a National Human Rights Office; the independence of the Office was guaranteed by law and it also looked after children's rights. Currently, there was a national debate on the possibility of creating various ombudsman positions, one of which would be especially responsible for children's rights.

34. Mr. DOEK asked whether it was true that the right of children to be heard in any procedure that concerned them, particularly with regard to adoption, had not been fully respected and how the principle of the best interests of the child was applied when families were evicted because the parents were no longer able to pay the rent. Since birth registration was not free of charge, it would also be interesting to learn what steps had been taken to ensure that all births were registered. He would also like to know what Latvia was doing in the case of foreign or stateless children, since the Committee on the Elimination of Racial Discrimination was concerned about their situation. Lastly, it would be interesting to know what procedure was used to ensure that children in institutions or in pre-trial detention could report any violence against them, without fear of reprisals.

35. Ms. TIGERSTEDT-TÄHTELÄ asked who was responsible for supervising the operation of establishments for children and whether children who were victims of violence could make a complaint to the competent courts.

36. Mr. FULCI said that he would like to know whether it was true that 600,000 persons, or 25 per cent of the population, were stateless and whether, under a recent amendment to the law on citizenship, all children born on Latvian territory since independence in 1991, would obtain Latvian nationality. He asked the Latvian delegation to indicate whether the Soviet practice of recording a person's ethnic group on his passport was still in force.

37. Ms. RILANTONO asked what the success rate was for the language examinations in Latvian, which all persons desiring to obtain Latvian nationality had to pass.

38. Ms. KARP wished to know whether the Children's Rights Protection Centre had branches in the different regions, what proportion of children had access to Internet, particularly in educational establishments, and whether minors could consult a doctor or a psychologist on matters concerning their sexuality or contraception without the consent of their parents. Were

information campaigns organized for parents and teachers to convince them to use methods other than corporal punishment, which, incidentally, was prohibited by law? Was any violence against students by their teachers investigated promptly and was it punished? Were measures taken to convince parents not to read their children's correspondence or listen to their telephone conversations and was it true that it was not easy for those who were not nationals to obtain a passport, thus making it difficult for them to travel abroad?

39. Ms. MOKHUANE asked whether some form of control had been organized to ensure that the law prohibiting the sale of alcohol to children under 18 years of age was enforced and whether free immunization campaigns were being considered to eliminate tick fever, which was very common in the country.

The meeting rose at 1 p.m.